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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/273,468   | 03/22/1999  | VLADIMIR VOLOKH      | P-68422-US          | 7168             |
| 49443  | 7590        | 06/08/2006           | EXAMINER            |                  |
| PEARL COHEN ZEDEK, LLP<br>1500 BROADWAY 12TH FLOOR<br>NEW YORK, NY 10036 |             |                      | TSAI, HENRY         |                  |
|  |             | ART UNIT             |                     | PAPER NUMBER     |
|  |             |                      |                     | 2181             |

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

09/273,468

**Applicant(s)**

VOLOKH, VLADIMIR

**Examiner**

Henry W.H. Tsai

**Art Unit**

2181

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 5/24/06 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1.  The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a)  The period for reply expires 3 months from the mailing date of the final rejection.  
 b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2.  The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3.  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a)  They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b)  They raise the issue of new matter (see NOTE below);  
 (c)  They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d)  They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7.  For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 11-22.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

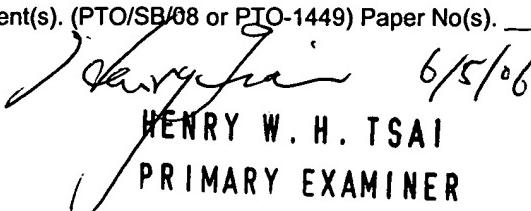
10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.

12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.

13.  Other: \_\_\_\_\_.

  
 6/5/06  
 HENRY W. H. TSAI  
 PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed 5/24/06 have been fully considered but they are not deemed to be persuasive. Applicants argue that Beck et al discloses "circular land 56 is essentially accurate in shape and is essentially parallel to the arc of cutting path 18 formed by cutting edge 16. Circular land 56 forms an essentially right angle with a radius line 35 struck through cutting edge 16. The shape of circular land 56 is critical to the present invention . . ." in column 4, lines 23-29. Therefore, the angle between the cutting tool and the cutting path disclosed by Beck et al is essentially equal to zero. Therefore, Beck et al does not teach or suggest "said cutting edge is oriented to define a non-zero relief angle opposite said cutting direction between said cutting tool and said cutting path" as recited in independent claim 11 (page 2, lines 21-26, and page 3, lines 1-2). Examiner disagrees with Applicants. The circular land 56 (enlarged shown in Fig. 4-a) formed in the end of first relief wall surface 52 is essentially 0.003-0.005 inches in width (see Col. 4, lines 32-33) which is very small as a point size (see Figs. 3, 3a, and 4). As set forth in the final rejection mailed 2/24/06. Beck et al.'009 discloses, as claimed, said lateral cutting edge comprises a pointed cutting edge (16, see Fig. 3) oriented to cut in a cutting direction along a circular path (cutting path 18, see Fig. 3) centered at said central cutting axis, and wherein said cutting edge is oriented to define a non-zero relief angle (see Fig. 3, the relief angle formed between the relief wall 50 and the cutting path 18; see also col. 4, lines 8-19) opposite said cutting direction between said cutting tool and said cutting path. Applicants further argued that Beck et al does not teach or suggest "said first section being nearest to the cutting edge and being convex" as recited in independent claim 11 (page 3, lines 10-11). Examiner disagrees with Applicants. As set forth in final rejection mailed 2/24/06. Beck et al.'009 discloses, as claimed, said first section (the first convex section comprising 31 and a portion of 32 having a top 33 of the convex section, see Fig. 3) being nearest to the cutting edge and being convex (with a sharp top 33, see Fig. 3).